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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,126	08/18/2003	Richard Humpert	64913.010700	3488
32361	7590	08/23/2005		
GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166				EXAMINER
				FERGUSON, MICHAEL P
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/643,126	HUMPERT ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael P. Ferguson	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 51,52 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 51,52 and 54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 09/418,875.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 51,52 and 54 are objected to because of the following informalities:  
  
Claims 51 (line 3) recites "to said under cut". It should recite --to said thread--.  
  
Claims 52 (line 3) recites "to said under cut". It should recite --to said thread--.  
  
Claim 54 (line 6) recites "end material". It should recite --end, material--.  
  
For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 54 (line 5) recites "a pot-like recess". The phrase "pot-like" fails to clearly define the metes and bounds of the invention as it is unclear what elements are "pot-like" and what elements are not.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 51,52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Tinnerman (US 2,342,170).

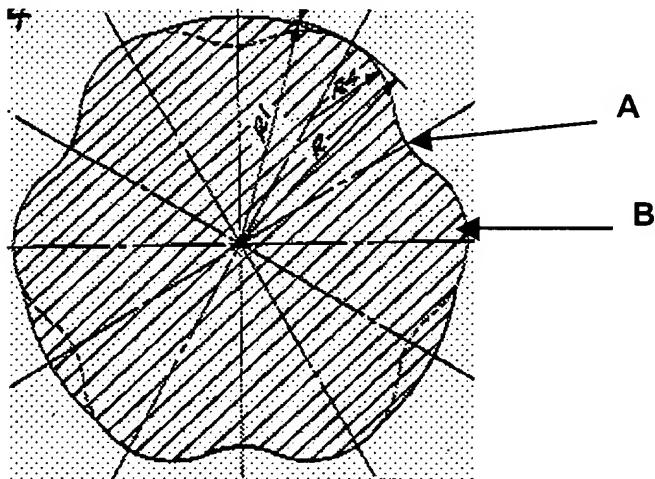
As to claim 54, Tinnerman discloses a functional element **10,40** in the form of a pin having first and second ends and a length and a diameter and a thread **13,43** formed at the first end and extending along at least a part of the length, the pin diameter being substantially constant along the length, the pin further having features **15,45** interrupting the thread at the first end, the first end being adapted for attachment to a sheet metal part **A,B** having a pot-shaped recess (defined by pot-shaped tongues **24,25**) receiving the first end, material of the sheet metal part **being capable of** being deformed radially inwardly of the thread at the first end and engaging the features, whereby the threaded pin is permanently attachable to the sheet metal part (pin **10,40** is capable of being permanently attached to sheet metal part **A,B**, if one chooses not to remove the pin) and projects beyond the sheet metal part for the attachment of another component thereto (Figures 3 and 7).

As to claim 51, Tinnerman discloses a functional element **10** wherein the features define a groove **15** disposed crosswise through the thread **13** thereby providing anti-rotational properties to the thread (Figure 3).

As to claim 52, Tinnerman discloses a functional element **40** wherein the features define a rib **45** disposed crosswise through the thread **43** thereby providing anti-rotational properties to the thread (Figure 7).

6. Claims 51,52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirai (US 4,818,165).

As to claim 54, Shirai discloses a functional element **20** in the form of a pin having first and second ends and a length and a diameter and a thread **27** formed at the first end and extending along at least a part of the length, the pin diameter being substantially constant along the length, the pin further having features **A,B** (Figure 4 reprinted below with annotations) interrupting the thread at the first end, the first end **being capable of** attachment to a sheet metal part having a recess receiving the first end, material of the sheet metal part being deformed radially inwardly of the thread at the first end and engaging the features, whereby the threaded pin is **capable of being** permanently attached to the sheet metal part and projects beyond the sheet metal part for the attachment of another component thereto (Figure 1).



As to claim 51, Shirai discloses a functional element **20** wherein the features define a groove **A** disposed crosswise through the thread **27** thereby providing anti-rotational properties to the thread (Figure 1).

As to claim 52, Shirai discloses a functional element **20** wherein the features define a rib **B** disposed crosswise through the thread **27** thereby providing anti-rotational properties to the thread (Figure 1).

***Response to Arguments***

7. Applicant's arguments filed July 27, 2005 have been fully considered but they are not persuasive.

As to claim 54, Attorney argues that:

Tinnerman does not disclose a functional element wherein the first end is adapted for attachment to a sheet metal part having a *pot-shaped recess* receiving the first end, *material of the sheet metal part being deformed radially inwardly of the thread at the first end and engaging the features, whereby the threaded pin is permanently attachable to the sheet metal part.*

Examiner disagrees. As to claim 54, Tinnerman discloses a functional element **10,40** wherein the first end is adapted for attachment to a sheet metal part **A,B** having a pot-shaped recess (defined by pot-shaped tongues **24,25**) receiving the first end, material of the sheet metal part **being capable of** being deformed radially inwardly of the thread **13,43** at the first end and engaging the features **15,45**, whereby the threaded pin is permanently attachable to the sheet metal part (pin **10,40** is capable of being permanently attached to sheet metal part **A,B**, if one chooses not to remove the pin; Figures 3 and 7).

As to claim 54, Attorney argues that:

Shirai does not disclose a functional element *wherein the first end is adapted for attachment to a sheet metal part having a recess receiving the first end, material of the sheet metal part being deformed radially inwardly of the thread at the first end and engaging the features, whereby the threaded pin being permanently attachable to the sheet metal part and projects beyond the sheet metal part for the attachment of another component thereto.*

Examiner disagrees. As to claim 54, Shirai discloses a functional element **20** wherein the first end is **capable of** attachment to a sheet metal part having a recess receiving the first end, material of the sheet metal part being deformed radially inwardly of the thread **27** at the first end and engaging the features **A,B**, whereby the threaded pin is **capable of being** permanently attached to the sheet metal part and projects beyond the sheet metal part for the attachment of another component thereto (Figure 1).

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MPF  
08/19/05



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